

## **I. Introduction**

Assistance for unrepresented litigants has become one of the most crucial issues facing the court system as it works to enhance public trust and confidence. This report describes work that, with support from the State Justice Institute, has enabled courts throughout California to engage in community-focused planning to meet this challenge.

In November 1999, the American Judicature Society held a *National Conference on Self-Represented Litigants Appearing in Court*, sponsored by the State Justice Institute. Chief Justice Ronald M. George appointed a team to attend the conference, and others from California participated as speakers. The team developed a draft action plan that was submitted to the American Judicature Society in January 2000, in response to the conference.

Among its recommendations, the action plan called on Administrative Office of the Courts staff to seek a grant from the State Justice Institute to hold four regional conferences in California to encourage trial courts to develop their own action plans for serving self-represented litigants. The regional approach was used because needs and resources vary dramatically among California's 58 counties. California is an extremely large and diverse state. It ranges from Alpine County in the Sierra, with approximately 1,200 residents, to Los Angeles County, with more than 9,000,000 residents. There are counties with no private attorneys, let alone legal service programs, and counties with a wide variety of resources that with coordination could be much more effective. A different type of action plan to serve self-represented litigants is needed for each of these areas.

It is often enormously frustrating for a small county to hear from a larger one about all the wonderful things it is doing and to feel that it simply does not have the resources to replicate those programs. It can also be frustrating for large counties to hear about the small number of litigants who must be served in smaller counties. The goal was to provide replicable models and foster the participation of groups of counties with similar demographic issues so that they could talk to each other about what would work in their communities. In addition, by holding regional conferences, the costs of transportation and accommodations were significantly lowered. More people were able to attend and participate in discussions.

The conferences were designed to (1) enable a wide group of participants from each county to learn about some of the cutting-edge thinking about serving unrepresented litigants and (2) provide them an opportunity to hear from programs in other communities with similar demographics. California has numerous court-based self-help programs. These include small claims advisors, family law facilitators, and many legal services or pro bono programs. However, each of these has a different funding source, works with different litigants, and is already operating at breakneck speed - leaving no time to coordinate efforts, consider common issues, or develop a strategy to maximize the combined

resources. The goal was to provide key partners with a common base of knowledge and the time to begin developing an action plan to address the issues.

The grant proposal was funded, and four conferences were held in the spring of 2001. More than 600 persons attended these conferences, representing 57 out of 58 of California's counties. Attendance at the conferences was by invitation only. The Chief Justice sent a letter of invitation to all presiding judges, encouraging them to appoint a diverse team to attend the conference. A sample letter is attached as Appendix A. Each conference was two days long and had a similar format. A sample agenda is attached as Appendix B.

Welcomes were extended by Chief Justice Ronald M. George and a representative from the State Bar Board of Governors. In each region, a judicial leader gave a keynote speech describing regional characteristics and issues. A plenary session on evaluation was held. Other plenary sessions concerned technology and cultural diversity. A resource center was set up at each conference to showcase innovations and distribute materials.

Thirty workshops were held at each conference. Topics included:

- Unbundling legal services
- The changing role of court clerks and law librarians
- Judicial communication and ethics
- Making the courthouse more accessible for self-represented litigants
- Funding for self-help programs
- Alternative dispute resolution programs
- Providing services to non-English speaking litigants
- Court partnerships with the bar and legal services agencies
- Technological resources to help self-represented persons

Binders with materials for each of the sessions, as well as leading articles on the topic, were prepared for all participants and continue to be ordered by local planning groups. The binder contents are available at <http://www.courtinfo.ca.gov/programs/cfcc/resources/selfhelp/list.htm>.

Three breakout sessions were held for counties to consider specific questions in developing an initial action plan. Facilitators were available for each of the groups. A county action plan packet (see Attachment C) was developed to help the participants identify:

- Resources currently available;
- Challenges facing self-represented litigants;
- Services needed in the community;
- Potential partners for providing services;
- What they were trying to achieve and the strategies they might use to evaluate that; and

- What objectives they wanted to focus on first, and how to accomplish those objectives.

Breakout sessions were also held for professional groups such as facilitators, judges, court administrators, private attorneys, small claims advisors, and others to encourage regional networking and discussion.

Evaluations from the conferences were very positive; some stated that it was the best conference that they had ever attended. Others commented that it was the first time they had ever been able to meet with partners in their community and that they were amazed at how much could be accomplished in those discussions.

In the course of the conferences, most courts developed initial action plans. The level of detail in the plans varied significantly among the counties. To encourage the further development of those plans and to encourage courts to obtain community input on them, the Judicial Council made \$300,000 of Trial Court Improvement Funds available in 2000 – 2001 to assist courts in developing their action plans. Forty courts applied for and were granted these planning funds. An additional \$300,000 was offered in 2001-2002 and again in 2002-2003 to assist courts that had not yet received planning funds and to provide funding for courts that had created plans to begin implementation. To date, 44 plans have been received, 7 are still being developed, and 7 smaller courts have not developed plans. Each of the completed plans is posted on a password-protected site that is available to court employees throughout the state.

This planning effort built on a major initiative launched by Chief Justice Ronald M. George in 1999 toward community-focused court planning to improve public trust and confidence in the courts and provide direction for the courts.

In that planning process, 41 of the 52 courts that submitted plans identified the need for increased access for self-represented litigants. Seventy-three percent of the courts identified at least four strategies for assisting self-represented litigants. Those strategies included self-help centers, informational materials, kiosks or public terminals, information and services through the Internet, expanded interpreting, training of court personnel, and use of lawyers and paralegals to provide information and assistance to self-represented litigants. See [www.courtinfo.ca.gov/programs/cfcc/](http://www.courtinfo.ca.gov/programs/cfcc/) for a synopsis of the plans.

It is clear that the additional information available to the courts from the SJI-sponsored conferences, as well as the increased attention and focus on the needs of self-represented litigants, has led to a much more sophisticated approach to this issue.

The Administrative Office of the Courts is planning an online conference in late spring of 2003 in which self-represented litigant teams throughout the state will share what's been

learned, brainstorm about new ideas, and identify ways to sustain the momentum through difficult budget years.

We hope that the following analysis of the action plans submitted to date will enhance the court community's understanding of how services for self-represented litigants can be incorporated into the core of the court's functions.

## II. The Action Plans<sup>1</sup>

California has a total of 58 counties and a population of 33,871,648.<sup>2</sup> As already stated, the counties vary greatly in size and population demographics. The smallest is Alpine County, with a population of 1,208, and the largest is Los Angeles County, with a population of 9,519,338, approximately one-third of the state's entire population.<sup>3</sup> The court in each county was invited to submit a proposal for planning or for implementation of a plan. For purposes of this report, the courts have been divided into five categories defined by the number of judges allocated to each.

Category 1	Smallest	13 counties <sup>4</sup>	0 – 4 judges
Category 2	Small	15 counties <sup>5</sup>	5 – 14 judges
Category 3	Medium	12 counties <sup>6</sup>	15 – 49 judges
Category 4	Large	8 counties <sup>7</sup>	50 or more judges
Category 5	Regional	10 counties <sup>8</sup>	Multi – county proposals

For the most part, the multi-county proposals were submitted by smaller courts. The largest of these 10 courts was the Superior Court of Monterey County, with 18 judges allocated to it. All the other courts in this group have fewer than 15 judges, and 6 of them have fewer than 5.

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<sup>1</sup> A chart summarizing the proposals is attached at Appendix C.

<sup>2</sup> U.S. Census Bureau, *United States Census 2000*, DP-1 Population and Housing Characteristics, Summary File 1 (SF1), <http://factfinder.census.gov>, 3/10/03.

<sup>3</sup> Ibid.

<sup>4</sup> Alpine, Colusa, Del Norte, Inyo, Lake, Lassen, Mariposa, Modoc, Mono, Plumas, Siskiyou, Trinity, and Tuolumne.

<sup>5</sup> El Dorado, Humboldt, Imperial, Kings, Madera, Marin, Mendocino, Merced, Napa, Placer, San Luis Obispo, Shasta, Sutter, Yolo, Yuba

<sup>6</sup> Contra Costa, Fresno, Kern, Riverside, San Joaquin, San Mateo, Santa Barbara, Solano, Sonoma, Stanislaus, Tulare, and Ventura.

<sup>7</sup> Alameda, Los Angeles, Orange, Sacramento, San Bernardino, San Diego, San Francisco, and Santa Clara.

<sup>8</sup> Butte/Glenn/Tehama, Calaveras/Amador, Monterey/Santa Cruz/San Benito, and Nevada/Sierra.